

DEPARTMENT OF COMMERCE

**EMERGENCY RULE RELATING TO
MANUFACTURED HOME CERTIFICATE OF TITLE FEES**

Exemption from Finding of Emergency

SECTION 76 (2) of 2005 Wisconsin Act 45 permits the Department of Commerce to promulgate rules required under sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats., as amended by 2005 Wisconsin Act 45, by using the emergency rulemaking procedure under section 227.24, Stats., except that the department is not required to provide evidence that the emergency rule is necessary for the preservation of public peace, health, safety or welfare and is not required to provide a finding of emergency.

Pursuant to section 227.24, Stats., this rule is adopted as an emergency rule to take effect on December 1, 2005, and in accordance with SECTION 76 (2) of 2005 Wisconsin Act 45, it remains in effect until December 31, 2007, or the date on which permanent rules take effect, whichever is sooner.

Dated at Madison this _____
day of _____, 2005,
by the Department of Commerce.

Mary P. Burke, Secretary

The Wisconsin Department of Commerce adopts an order to create s. Comm 2.33 (5), relating to manufactured home certificate of title fees and affecting small businesses.

Analysis of Emergency Rule

1. Statutes Interpreted.

Sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats., as amended by 2005 Wisconsin Act 45

2. Statutory Authority.

Sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats., as amended by 2005 Wisconsin Act 45

3. Related Statute or Rule.

Section 101.19, Stats.

4. Explanation of Agency Authority.

Sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats., as amended by 2005 Wisconsin Act 45, require the department to establish, by rule under section 101.19, Stats., the respective fees for the administration and enforcement of the manufactured homes program activities required under those sections.

5. Summary of Rule.

The current statutes establish specific minimum fees that the department must charge for conducting a file search, for providing various services related to the titling of manufactured homes, and for providing certain notices related to security interests in manufactured homes. 2005 Wisconsin Act 45 removes those fees, effective December 1, 2005, from the statutes and requires the department to establish, by rule, the fees for those services. The emergency rule establishes the required fees in the department's fee schedule, chapter Comm 2, without any changes in the fees that have been charged under the current statutes.

The Act also requires the department to assess a new fee to fund a manufactured housing rehabilitation and recycling grant program. The emergency rule establishes that fee to be approximately the same as the environmental impact fee that is no longer assessed.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

There is no existing or proposed federal regulation that addresses the Safety and Buildings Division’s fees for the administration and enforcement of the manufactured homes program activities required under sections 101.9205 (3), 101.9208 and 101.9213 (8), Stats.

7. Comparison with Rules in Adjacent States.

The emergency rule addresses the Safety and Buildings Division’s fees unique to the administration and enforcement of the department’s manufactured homes program. Adjacent states also assess fees for the administration and enforcement of their manufactured home programs as follows.

- Illinois: Fees are charged for a plan review, seal, code compliance certificate, and plant inspection.
- Iowa: Fees are charged for an installation seal, installer certification, and home inspection.
- Michigan: A fee is charged for a certificate of ownership.
- Minnesota: Fees are charged for a construction seal, installation seal, and temporary installation certificate.

8. Summary of Factual Data and Analytical Methodologies.

There were no factual data or analytical methodologies used to develop the emergency rule.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The emergency rule should have a minimal effect on small business. There were no supporting documents used to determine the effect on small business, and an economic impact report was not prepared.

SECTION 1. Comm 2.33 (5) is created to read:

Comm 2.33 (5) CERTIFICATE OF TITLE FEES. Fees for a certificate of title for a manufactured home shall be determined in accordance with the following schedule:

- (a) For filing an application for the first certificate of title\$8.50
- (b) A manufactured housing rehabilitation and recycling fee upon filing an application under par. (a) or (d) \$7.00
- (c) For the original notation and subsequent release of each security interest noted upon a certificate of title\$4.00

(d) For a certificate of title after a transfer \$8.50

(e) A supplemental title fee upon filing an application under par (a) or (d), except that this fee shall be waived with respect to an application under par. (d) for transfer of a decedent's interest in a manufactured home to his or her surviving spouse \$7.50

(f) For each assignment of a security interest noted upon a certificate of title \$1.00

(g) For a replacement certificate of title \$8.00

(h) For processing applications for certificates of title that have special handling requests for fast service
.\$15.00

(i) For the reinstatement of a certificate of title previously suspended or revoked \$25.00

(j) For conducting a file search of manufactured home title records \$3.00

(k) For each notification under s. 101.9213 (8), Stats., that a security interest has not been satisfied \$4.00

(END)